IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

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F.A.O No. 2894 of 1999

Date of decision : 10.01.2007

Tripta Devi and another ... Appellants

Versus

Gurdeep Singh and others ... Respondents

...

Present: Mr. V.M.Gupta, Advocate
for the appellants.

Mr.Inderjit Sharma, Advocate
for respondent no.3.

...

VINOD K. SHARMA, J

This appeal has been filed against the Award dated February 04, 1999 passed by the Motor Accidents Claims Tribunal (hereinafter referred to as 'the Tribunal'), Rup Nagar, in MACT Case No. RT 232 dated 7.5.1997/2.6.1997 vide which the claim petition filed by the claimants was accepted and compensation to the tune of Rs.3,60,000/- was awarded to the claimants along with interest at the rate of 12 per cent per annum.

The claim petition has been filed by the claimants on account of death of one Roshan Lal, husband of claimant no.1 and father of claimant no.2. The deceased was working as a Senior Accountant in the Punjab State Cooperative Bank,Sector 17-B, Chandigarh, and it was claimed that he was drawing a salary between Rs.13,000/- to Rs.14,000/- per month. On 3.1.1996 at about 6.45 P.M. he was going from Sector 17-D, Chandigarh to Sector 33, Chandigarh on his scooter

and when he reached near the traffic lights of Sector 22/23, Chandigarh, respondent no.1 came driving bus no. PB-12-B-5210 rashly and negligently at a high speed and hit the deceased from behind, as a result of this accident, Roshan Lal deceased received multiple injuries on the head and other parts of the body. He was removed to the P.G.I, Chandigarh and remained there till 10.1.1996 when he succumbed to injuries. The deceased was 43 years of age. On account of his death, compensation to the tune of Rs.15,00,000/- was claimed. In addition thereto, another sum of Rs.40,000/- was claimed as medical expenses.

The claim petition was contested by the respondents wherein they denied the factum of accident. However, it was admitted that the offending bus was insured with respondent no.3, i.e. New India Assurance Company Limited.

On the pleadings of the parties, the following issues were framed :-

"(1) Whether Roshan Lal had died in a Motor Vehicular accident as a result of rash and negligent driving of Bus No. PB-13-B-5210 by Gurdeep Singh, respondent no.1 ? OPA

(2) To what amount of compensation the claimants are entitled and from whom ? OPR

(3) Relief. "

On Issue No.1, the learned Tribunal came to the conclusion that Roshan Lal had died in motor vehicular accident as a result of rash and negligent driving of Bus No. PB-12-B-5210 by Gurdeep Singh, respondent no.1. However, on Issue No.2, the Tribunal came to the conclusion that carry home salary of the deceased was Rs.9,000/- per month. Out of this, after deducting 1/3rd for his personal expenses, the dependency was assessed at Rs.6,000/- per month. However, a multiplier of 5 was applied even though the deceased was aged 43 years of age and, accordingly, compensation to the tune of Rs.3,60,000/- was assessed for payment to the claimants along with interest.

Learned counsel for the appellants has challenged the findings on Issue No.2 of the Tribunal primarily on the ground that multiplier of 5 is on the lower side keeping in view the age of the deceased.

It is not in dispute that the deceased was working as a Senior Accountant with Punjab State Cooperative Bank and would have continued to serve till the age of 58 years. Even otherwise, the multiplier of 5 for a person aged 43 years keeping in view the expectancy of life cannot be said to be just and reasonable. Accordingly, the finding on Issue No.2 is reversed and it is held that the claimants would be entitled to compensation to the tune of Rs.8,64,000/- by applying a multiplier of 12. The enhanced compensation would be shared equally between the claimants. The claimants would also be entitled to interest at the rate of 7.5 per cent per annum on the enhanced amount of compensation from the date of the Award till its payment. The liability of the respondents shall be joint and several.

Appeal allowed.

(VINOD K. SHARMA)
JUDGE

January 10, 2007

RS